

DARE COUNTY

SUBDIVISION ORDINANCE
FOR
DARE COUNTY, NORTH CAROLINA

REVISIONS PROPOSED
BY THE
PLANNING BOARD OF DARE COUNTY

JUNE 1982

COASTAL ZONE
INFORMATION CENTER

SUBDIVISION ORDINANCE
FOR
DARE COUNTY, NORTH CAROLINA

Revisions Proposed
by the
Planning Board of Dare County

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I. General

- A. Title. This chapter shall be known as the Subdivision Ordinance of Dare County.
- B. Authority. The Board of Commissioners of Dare County do hereby adopt this ordinance under the authority of the General Statutes of North Carolina, Chapter 153A, Article 18, Part 2.
- C. Purpose. The purpose of this chapter is to establish procedures and standards for the development and subdivision of real estate within the county in an effort to, among other things, ensure proper legal description, identification, monumentation and recordation of real estate boundaries; further the orderly layout and appropriate use of land; provide safe, convenient and economic circulation of vehicular traffic; provide suitable building sites which drain properly and are readily accessible to emergency vehicles; assure the proper installation of roads and utilities; and help conserve and protect the physical and economic resources of the county.
- D. Substance. No plat of a subdivision of land within Dare County and outside the subdivision jurisdiction of any municipality shall be recorded by the Dare County Register of Deeds until a final plat of the subdivision has been approved by the Planning Board of Dare County.

II. Procedure for Subdivision Plat Approval

A. Sketch Plan

1. Contents. The subdivider shall submit to the Planning Board, at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board, ten (10) copies of a sketch plan of the proposed subdivision containing the following information:

- (a) A sketch map of the vicinity of the proposed subdivision showing its location in relation to neighboring tracts, subdivisions, roads, and waterways;
- (b) The boundaries of the entire tract in common ownership and the portion of the tract to be subdivided;
- (c) The total acreage to be subdivided;
- (d) The existing and proposed uses of the land within the subdivision and the existing uses of land adjoining it;
- (e) The proposed street layout with approximate pavement and right-of-way width, lot layout and size of lots;
- (f) The name, address, and telephone number of the owner and, if applicable, a written and acknowledged statement of the owner designating the subdivider or other person to act as his agent for the submission of plats;
- (g) The name, if any, of the proposed subdivision;
- (h) Streets and lots of adjacent developed or platted properties;

(i) If applicable, the zoning classification of the tract and of adjacent properties;

(j) A statement from the Dare County Health Department that a copy of the sketch plan has been submitted to them.

2. Review. The Planning Board shall review the sketch plan for general compliance with the requirements of this chapter and other applicable policies and shall advise the subdivider of the policies applicable to the proposed subdivision and the procedures to be followed in the preparation and submission of the preliminary and final plats.

One copy of the sketch plan shall be retained for the files of the Planning Board.

B. Preliminary Plat

1. Submission and Contents. After the Planning Board has reviewed the sketch plan, the subdivider shall submit to the Planning Board, at least fifteen (15) days prior to a regularly scheduled meeting of the Planning Board, a preliminary plat of the subdivision at a scale of one inch to one hundred feet, drawn on a sheet eighteen inches by twenty-four inches or such other size as may be required for recording by the Dare County Register of Deeds. The preliminary plat shall be prepared by a professional engineer or land surveyor currently licensed or registered by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors and shall show or have attached to it a document showing the following information:

Title Block containing:

- Property designation
- Name of owner
- Location (including township, county and state)
- Date or dates survey was conducted and plat prepared
- A scale of drawing in feet per inch listed in words or figures
- Name, address, registration number and seal of the land surveyor and/or professional engineer

A map of the vicinity of subdivision showing the relationship between the proposed subdivision and surrounding area

Corporate limits, township boundaries, county lines if on the subdivision tract

The names, titles, firm association, addresses, and telephone numbers of all owners, subdividers, mortgagees, planners, architects, landscape architects, and engineers responsible for the subdivision

The registration numbers and seals of the professional engineers and land surveyors

North arrow and orientation

Boundary lines of the tract to be subdivided, fully dimensioned by lengths and bearings, and the location of existing boundary lines of adjoining lands

The names of owners of adjoining properties

The names of any adjoining subdivisions of record, proposed or under review

Minimum building setback lines, front, side and rear

The zoning classifications of the tract to be subdivided and adjoining properties (if area is not zoned, that shall be indicated)

Existing property lines on the tract to be subdivided and on adjoining properties

Existing buildings or other structures, water courses, bridges, culverts, storm drains, both on the land to be subdivided and land immediately adjoining.

Proposed lot lines, lot and block numbers, and approximate dimensions

Lots numbered consecutively throughout the subdivision

Wooded areas, marshes, swamps, mean high tide line, vegetation line, primary and other dunes, ponds or lakes, streams or streambeds and any other natural features affecting the site

Flood hazard, floodway and floodway fringe areas

Base flood elevation data if available

The following data concerning streets:

- Proposed streets
- Existing and platted streets on adjoining properties and in the proposed subdivision
- Rights-of-way, location and dimensions
- Pavement widths
- Approximate grades
- Design engineering data for all corners and curves
- Typical street cross sections
- Street names
- Type of street dedication; all streets must be designated either "public" or "private"
- Where streets are dedicated to the public, but not accepted into the State system before lots are sold, a statement explaining the status of the street and a draft street maintenance agreement

The location and dimensions of all:

- Utility and other easements
- Riding trails
- Natural buffer areas
- Pedestrian or bicycle paths

- Parks and recreation areas with specific type indicated
- School sites
- Areas to be dedicated to or reserved for public use
- Areas to be used for purposes other than residential with the purpose of each stated
- The proposed ownership and maintenance of recreation and open space lands, trails, paths, etc.

The plans for utility layouts including:

- Sanitary sewers
- Storm sewers
- Other drainage facilities
- Water distribution lines
- Natural gas lines
- Telephone lines
- Electric lines
- Cable television lines
- and illustrative connections to existing systems, line sizes, the location of fire hydrants, blowoffs, manholes, force mains and gate valves, etc.

Plans for individual water supply and sewage disposal systems

Profiles based upon mean sea level datum for sanitary sewers and storm sewers

Site calculations including:

- Acreage in total tract to be subdivided
- Acreage in parks and recreation areas, Areas of Environmental Concern, and other non-residential uses, by category
- Total number of parcels created
- Acreage in the smallest lot in the subdivision
- Linear feet in streets

The name and location of any property or buildings within the proposed subdivision or within any contiguous property that is located on the U.S. Department of Interior's National Register of Historic Places

Sufficient engineering data to determine readily and reproduce on the ground every straight or curved line, street line, lot line, right-of-way line, easement line, and setback line, including dimensions, bearings, or deflection angles, radii, central angles, and tangent distance for the center line or curved property lines that are not the boundary line of curved streets. All dimensions shall be measured to the nearest one-tenth of a foot and all angles to the nearest minute.

The accurate locations and descriptions of all monuments, elevations, markers and control points

A copy of any proposed deed restrictions or similar covenants

A copy of the document or documents for the creation and continued operation of the home owners, land owners, or similar association of the consumers of the subdivision

Topographic map when it is determined by the planning board that one is needed, with contour intervals and scale as determined by the planning board

Boundaries of all Areas of Environmental Concern designated in accordance with the Coastal Area Management Act of 1974

If any portion of any lot within the subdivision falls within an Area of Environmental Concern the following notice shall be placed on the face of the plat:

Some portions of some lots in this subdivision are located in areas of environmental concern. Individual permits may be required before development may take place in these areas.

All certifications and approvals required by state law including proof that when improved in accordance with the preliminary plat the public streets and roads will be eligible for inclusion in the state system in accordance with Section 136-102.6 of the General Statutes of North Carolina or, if private, will comply with the same standards except for stipulated exceptions

If the subdivision is to be developed in phases, the boundaries of each phase and the sequence in which each is to be developed

An inventory and evaluation of the soil and water resources within the proposed subdivision

If the subdivision is within the service area of any public or private water supply system, a statement from the chief executive official of the system indicating if the proposed subdivision may be connected to that system

2. Review

- a. Review by Other Agencies. The Planning Board will submit the preliminary plat to the district highway engineer, the county health director and to other appropriate agencies including review necessary to assure coordination with the North Carolina Coastal Management Program and offices of the County for their review and recommendations.
- b. Review by Planning Board
 - (1) After considering any report and/or recommendations received in addition to any comments which the subdivider may have, the Planning Board shall approve or disapprove the preliminary plat and shall make their recommendations to the Board of Commissioners. If the Planning Board disapproves the preliminary plat, the reasons for such action shall be stated, and recommendations made on the basis of which the proposed subdivision could be approved.
 - (2) Failure on the part of the Planning Board to act within sixty-five (65) days after the preliminary plat is submitted to the Planning Board shall constitute approval by the Planning Board.

c. Review by Board of Commissioners

- (1) The Board of Commissioners shall approve or disapprove the preliminary plat.
- (2) If the Board of Commissioners disapproves the preliminary plat, the reasons for such action shall be stated and recommendations made on the basis of which the proposed subdivision could be approved.

C. Final Plat

1. Preparation of Final Plat and Installation of Improvements.

Upon approval of the preliminary plat by the Board of Commissioners, the subdivider may proceed with the preparation of the final plat and the installation of required improvements in accordance with the approved preliminary plat and the requirements of this ordinance. Prior to approval of a final plat, the subdivider shall have installed the improvements specified in this ordinance. No final plat will be accepted for review by the Planning Board unless accompanied by a statement signed by the subdivider certifying that all of the provisions of this ordinance have been complied with and that all of the required improvements have been installed. The final plat shall include only that portion of the preliminary plat which the subdivider proposes to record at that time.

2. Submission of the Final Plat. The subdivider shall submit to the Planning Board the final plat, so marked, not less than fifteen (15) days prior to the meeting of the Planning Board at which it will be reviewed.

The final plat for the subdivision or for the first phase of the subdivision as indicated in the sequence of phases on the approved preliminary plat shall be submitted not more than twelve (12) months after the date on which the preliminary plat was approved; otherwise approval of the preliminary plat shall expire and be null and void.

The Planning Board may grant an additional twelve (12) months for the installation of improvements and submission of the final plat if the subdivider applies for such extension in writing before the expiration of the initial period and has begun to install the required improvements and has made substantial progress (over 60 percent as determined by the Planning Board and documented in the application for extension) in doing so. The progress of required improvements must be verified by the Planning Board.

A final plat for each subsequent phase must be submitted within twelve (12) months after the final plat for the previous phase has been approved or the approval of the preliminary plat as to the remaining phases shall be null and void.

The final plat shall be prepared in accordance with the highest professional standards by a land surveyor or professional engineer currently licensed and registered in the State of North Carolina by the North Carolina State Board of Registration for Professional Engineers and Land Surveyors. The final plat shall conform to the provisions for plats, subdivisions, and mapping requirements set forth in G.S. 47-30 and

shall show or have attached to it a document showing the same information required for the preliminary plat.

Fifteen (15) copies of the final plat shall be submitted; three (3) shall be reproducible black or blue line prints.

The final plat shall be of a size suitable for recording with the Dare County Register of Deeds and shall be at a scale of not less than one (1) inch equals two hundred (200) feet. Maps may be placed on more than one (1) sheet with appropriate match lines.

Submission of the final plat shall be accompanied by a cashiers or certified check payable to the Dare County Register of Deeds in the amount of the recording fee for the final plat and related documents.

3. Certification. The following signed and acknowledged certificates or required portions thereof shall appear on all copies of the final plat:

Certificate of Ownership and Dedication

I hereby certify that I am the owner of the property shown and described hereon, which is located in the subdivision jurisdiction of the County of Dare and that I hereby adopt this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public or private use as noted. Furthermore, I hereby dedicate all sanitary sewer, storm sewer and water lines to the County of Dare.

_____	_____
Date	Owners

I, _____, hereby certify that
_____ personally appeared before me
this day and acknowledged the due execution of this
certificate. Witness my hand and official seal this the
_____ day of _____, A.D. 19____.

Official Seal	_____ Signature
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State of North Carolina

Dare County

I, _____, certify that this map was
(drawn by me) (drawn under my supervision) from (an actual
survey made by me) (an actual survey made under my super-
vision) (deed description recorded in Book____, Page____,
Book____, Page____, etc.) (other); that the ratio of pre-
cision as calculated by latitudes and departure is 1:____;
that the boundaries not surveyed are shown as broken lines
plotted from information found in Book____, Page____;
that this map was prepared in accordance with G.S. 47-30,
as amended; and that the prescribed reference points have
been properly placed. Witness my hand and seal this ____
day of _____, A.D. 19____.

Registered Land Surveyor/
Professional Engineer

Official Seal

Registration Number

I, _____, hereby certify that
_____ personally appeared before me
this day and acknowledged the due execution of this
certificate. Witness my hand and official seal this the
____ day of _____, A.D. 19____.

Signature

Official Seal

4. Review by the Planning Board. The Planning Board shall review the final plat at or before its next regularly scheduled meeting which follows at least fifteen (15) days after it receives the final plat and shall approve the final plat if it is in compliance with this chapter or disapprove it if it is not within seventy-five (75) days of receiving the plat.

During its review of the final plat, the Planning Board may, with the consent of the Board of Commissioners, appoint a Registered Land Surveyor to confirm the accuracy of the final plat and/or installation of improvements. If substantial errors are found, the costs shall be charged to the subdivider and shall be paid before the plat will be considered further; the plat shall not be recommended for approval until such errors have been corrected.

If the Planning Board approves the final plat, such approval shall be shown on each copy of the plat by the following signed certificate:

Certificate of Approval for Recording

I hereby certify that the subdivision plat shown hereon has been found to comply with the Subdivision Ordinance of Dare County and that this plat has been approved by the Dare County Planning Board for recording in the Office of the Register of Deeds of Dare County.

Date

Chair of the Dare County
Planning Board

If the final plat is disapproved by the Planning Board, the reasons for such disapproval shall be stated in writing, specifying the provisions of this ordinance with which the final plat does not comply. One (1) copy of such reasons and one (1) print of the plat shall be retained by the Planning Board as part of its proceedings; one (1) copy of the reasons and one (1) copy of the plat shall be transmitted to the subdivider. If the final plat is disapproved the subdivider may make such changes as will bring the final plat into compliance and resubmit same for reconsideration by the Planning Board as if it were an original submission of a final plat.

If the final plat is approved by the Planning Board, one (1) reproducible and one (1) print of the plat shall be returned to the subdivider, one (1) reproducible and one (1) print shall be filed with the County Tax Supervisors Office, one (1) print shall be retained by the Planning Board for its files, and one (1) reproducible shall be filed by the Planning Board with the Register of Deeds.

III. Standards

Each subdivision shall comply with the design standards of this ordinance as minimums and shall contain the improvements specified which shall be installed and paid for by the subdivider. Land shall be dedicated or reserved as required.

A. Reference points

Prior to the approval of the final plat, permanent reference points shall have been placed in accordance with Sections 39-32.1 et seq. of the General Statutes of North Carolina the following requirements:

1. Subdivision corner tie. At least one corner of the subdivision shall be designated by course and distance (tie) from a readily discernible reference marker.
2. Monuments. Within each block of a subdivision at least two monuments designed as control corners shall be installed. The surveyor shall employ additional monuments when necessary. Monuments shall be constructed of concrete with steel reinforcing rods running their entire length and shall be at least four inches in diameter or square and not less than three feet in length. Each monument shall have imbedded in its top or attached by a suitable means a metal plate of noncorrosive material and marked plainly with the point, the surveyor's registration number and the words "monument" or "control corner." A monument shall be set at least thirty inches in the ground with at least six inches exposed above the ground, unless this requirement is impractical because of vehicular traffic or other factors. Elevation above sea level shall be shown on the metal plate on at least one of the monuments.

3. Stakes. Each lot shall be adequately staked to show the boundaries of the lot with stakes not less than three feet long and driven into the ground not less than two feet.

B. General Standards

1. The design and development of subdivisions shall preserve the natural terrain, natural drainage, existing topsoil, trees and natural vegetation to the maximum extent possible.
2. All subdivisions shall be designed to be consistent with the need to minimize flood damage.
3. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. All lots, improvements, structures and utilities shall comply with the applicable Areas of Environmental Concern (AEC) Standards and any other rules promulgated pursuant to the Coastal Area Management Act of 1974.
5. Blocks. The lengths, widths, and shapes of blocks shall be determined with due regard to: provision of adequate building sites suitable to the special needs of the type of use contemplated; requirements of the Zoning Ordinance of Dare County; needs for vehicular and pedestrian circulation; control and safety of street traffic; limitations and opportunities of topography; and convenient access to water areas. Length shall not be greater than one thousand four hundred (1400) nor less than four hundred (400) feet. Blocks shall have sufficient width to allow two (2) tiers of lots of minimum depth except

where single tier lots are required to separate residential development from through vehicular traffic or another type of use, in nonresidential subdivisions, or where abutting a water area.

If there are more than four lots fronting on a highway, a frontage road may be required.

Where deemed necessary by the Planning Board, a pedestrian walk may be required to provide convenient access to a public area such as a park or school, to a water area, or to areas such as shopping centers, religious or transportation facilities.

6. Non-residential lots. The size, shape and orientation of lots for other than residential purposes shall be such as the Planning Board deems appropriate for the type of development and use contemplated.
7. Residential lots. Residential lots shall comply with the following requirements:
 - a. Lots shaped and filled. Any lot shaped or filled must be approved as to quality and content by the County Health Department.
 - b. Orientation of lot lines. Side lot lines shall be substantially at right angles or radial to street lines.
 - c. Minimum lot width. Lots should have a minimum width of not less than seventy-five (75) feet measured at the front building setback line.
8. Lot size. All lots in new subdivisions shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located. Conformance means, among other

things, that the smallest lot in the subdivision must meet all dimensional requirements of the zoning ordinance. It is not sufficient merely for the average lot to meet such requirements.

In unzoned areas, lots shall meet the following requirements.

a. Area. All lots shall have an area of at least twenty thousand (20,000) square feet per dwelling unit. Additional lot area is required when a lot is not served by public water or public sewer. In such cases each lot shall not be less than the size required by the County Board of Health for installation of a well, cistern and/or a septic tank, but in no instance shall such a lot be less than twenty thousand (20,000) square feet per dwelling unit.

b. Building setback lines. The minimum setback from property lines shall be as follows and shall be recorded on the final plat:

- (1) From the front property line 25 feet
- (2) From the side property lines 10 feet
- (3) From the rear property lines 20% of the
depth of
the lot,
but not
less than
20 feet.
- (4) From the side property line which
abuts a street 15 feet

9. Buffer strips. The Planning Board may recommend the use of a buffer strip adjacent to major roads and to commercial or industrial development which would be part of the platted lots but have the following restriction on the face of the plat:

"This strip reserved for the planting of trees or shrubs by the owner; the building of structures prohibited".

10. Telephone, electric and cable television service within subdivisions shall be installed underground.

C. Suitability of Land

If, based on an inventory and evaluation of the soil and water resources of the tract under consideration, the Planning Board determines that a portion of that tract is not suited for the use proposed, that area shall not be platted for that use unless (1) the subdivider has permanently remedied the conditions which made the land unsuitable or (2) all the areal requirements of the ordinance are met by each lot without including the unsuitable land in the calculation.

Areas that have been used for disposal of solid waste shall not be subdivided unless tests by the County Health Department, a structural engineer and a soils expert determine that the land is suitable for the purpose proposed.

Land which the Planning Board finds to be unsuited for development due to improper drainage, topography, soil characteristics, ground water elevation, susceptibility to flooding or failure to meet the criteria of Article 13C of Chapter 130 of the General Statutes of North Carolina shall not be subdivided, unless adequate methods are utilized to correct the unsuitable conditions. Any land disturbing activity, as defined in Section 113A-52 of the General Statutes of North Carolina, shall be accomplished in accordance with the requirements of Article 4 of Chapter 113A of the General Statutes of North Carolina. Any required land preparation must be completed prior to submission of the final plat for approval.

D. Storm Water Drainage System

The Subdivider shall provide a surface water drainage system constructed to the standards of the North Carolina Department of Transportation, subject to the approval of the Planning Board.

1. No surface water shall be channeled or directed into a sanitary sewer.
2. Where feasible, the subdivider shall connect to an existing storm drainage system.
3. Where an existing storm drainage system cannot feasibly be extended to the subdivision, a surface drainage system shall be designed to protect the proposed development from water damage.
4. Surface drainage courses shall have side slopes of at least three (3) feet of horizontal distance for each one (1) foot of vertical distance, and courses shall be of sufficient size to accommodate the drainage area without flooding, and designed to comply with the standards and specifications for erosion control of the North Carolina Sedimentation Pollution Control Act.
5. The minimum grade along the bottom of a surface drainage course shall be a vertical fall of at least one (1) foot in each two hundred (200) feet of horizontal distance.
6. Streambanks and channels downstream from any land disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land disturbing activity in accordance with the North Carolina Sedimentation Pollution Control Act.

7. Anyone constructing a dam or impoundment within the subdivision must comply with the North Carolina Dam Safety Law.
8. In all areas of special flood hazards, all subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

E. Subdivision name

The name of the subdivision shall not duplicate nor closely approximate the name of an existing subdivision within Dare County.

F. Street/Road Names and Signs

Streets and roads shall be named and such names shall be indicated on signs designed, constructed and placed in accordance with existing policy of Dare County.

G. Solid waste collection

The Planning Board may require, for each twenty-five (25) lots, a site, not exceeding four hundred (400) square feet, which is easily accessible by conventional containerized waste collection vehicles, to be reserved for the location of solid waste containers for public or private solid waste collection.

Each site shall be improved with pavement or other permanent material to ensure unimpeded ingress and egress by waste collection vehicles.

H. Utility and Other Easements

Easements shall be provided as follows:

1. Easements for underground or above ground utilities shall be provided where necessary, across lots or centered on rear or side lot lines and shall be at least ten (10) feet wide for

water and sanitary sewer lines and as required by the utility companies involved, for telephone, gas and power lines.

The Planning Board will determine whether one easement is sufficient or whether several easements are necessary to accommodate the various facilities and the subdivider shall provide the required easements.

2. A crosswalk easement no less than eight (8) feet in width shall be provided when such is required by the Planning Board.
3. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.
4. Where a subdivision is adjacent to the Atlantic Ocean, an easement for dune maintenance adjacent to the mean high water mark may be required, or such other provisions as to dune maintenance may be required by the Planning Board.
5. Lakes, ponds, creeks and similar areas within the county will be accepted for maintenance only if such is recommended by the Planning Board and approved by the Board of Commissioners.

I. Water and Sanitary Sewer Systems

Each lot in all subdivisions within the county's jurisdiction shall be provided with an extension of the county water system at the subdivider's expense if in the judgement of the Board of Commissioners

there is adequate unused capacity in the system to serve the subdivision and if the Planning Board determines that the existing system is sufficiently close to the subdivision to make such an extension feasible.

All lots in subdivisions not connected to municipal or county water and/or sanitary sewer systems must have a suitable source of water supply and sanitary sewage disposal, which complies with the regulations of the Dare County Health Department and with the applicable laws of North Carolina.

J. Streets

1. Public Streets. Except as provided in Subsection Two of this section, all subdivision lots shall abut on a public street.

All public streets shall be built to the standards of this ordinance and all other applicable standards of the county and the State of North Carolina. Public streets which are eligible for acceptance into the state highway system shall be constructed to the standards necessary to be put on the state highway system and shall be put on such system. Streets which are not eligible to be put on the state highway system because there are too few lots or residences shall, nevertheless, be dedicated to the public and shall be built in accordance with the standards necessary to be put on the state highway system so as to be eligible to be put on the system at a later date. An executed maintenance agreement with provisions for maintenance of the street until it is put on the state highway system shall be included with the final plat.

2. Private streets. The Board of Commissioners may permit subdivision lots to abut on private streets only on the recommendation of the Planning Board following a determination by the Planning Board in which the Board of Commissioners concurs that the protection of environmental and/or aesthetic values would be best served by a street and/or right-of-way which is narrower than required by the North Carolina Department of Transportation. Private streets shall be built to the standards of this ordinance and all other applicable standards of the county and the North Carolina Department of Transportation with the exception of the width, grading and clearance of the right-of-way and the width of the pavement required which may be modified when doing so and only to the extent that doing so will clearly protect environmental and/or aesthetic values and will not endanger or diminish the public health, safety, and welfare as determined by the Planning Board and the Board of Commissioners.

The subdivider shall submit, as a part of the preliminary plat, the signed statement of a licensed professional engineer stating that the proposed streets as designed will meet all of the requirements with stated detailed exceptions. The subdivider shall provide for inspections to ensure that the streets are being constructed in accordance with the approved preliminary plat by an independent licensed professional engineer during the construction process, the reports of which are to be submitted to the Planning Board in accordance with a schedule submitted and approved as a part of the preliminary plat. As a part of the final plat the subdivider shall submit a certificate

of an independent licensed professional engineer that the streets have been constructed in accordance with the approved preliminary plat.

The ownership of the streets shall be conveyed to a home or lot owners' association or similar organization. The subdivider must submit evidence that the ultimate owner of the streets will be institutionally and fiscally capable of maintaining the streets and rights-of-way to the specified standards in perpetuity. The subdivider must agree to maintain the streets until the owner organization is fully functional and must agree to contribute to that organization its share of the maintenance for all lots retained by the subdivider or successor.

The final plat, the uniform covenants and each deed conveying lots in the subdivision shall plainly indicate that the streets are privately owned and their maintenance is the responsibility of the owners' organization in perpetuity.

3. Subdivision street disclosure statement. All streets shown on the final plat shall be designated in accordance with North Carolina state law and designation as public shall be conclusively presumed an offer of dedication to the public. Where streets are dedicated to the public but not accepted into the state highway system, before lots are sold, a statement explaining the status of the street shall be included with the final plat.
4. Conformity of proposed streets to existing maps or plans. The location and width of all proposed streets shall be in conformity with official plans or maps of the county and with existing or amended plans of the Planning Board.

5. Continuation of existing streets. The proposed street layout shall be coordinated with the existing road system of the surrounding area and where possible, existing principal streets shall be extended.
6. Access to adjacent properties. Where in the opinion of the Planning Board, it is desirable to provide access to an adjoining property, proposed streets shall be extended by dedication to the boundary of such property, and a temporary turnaround shall be provided.
7. Large tracts or parcels. Where land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of future roads and logical further subdivision.
8. Nonresidential streets. The subdivider of a nonresidential subdivision must provide streets in accordance with the appropriate North Carolina Department of Transportation Standards and the standards in this ordinance, whichever are stricter in regard to each particular item.
9. Design standards. The design of all streets and roads within the jurisdiction of this ordinance shall be in accordance with the accepted policies of the North Carolina Department of Transportation Division of Highways, as taken or modified from the American Association of State Highway Officials (AASHO) manuals. The N.C. Department of Transportation, Division of Highways' Subdivision Roads Minimum Construction Standards, current edition, shall apply for any items not included in this ordinance, or where stricter than this ordinance.

IV. Administration and Enforcement

- A. Records, minutes, budgetary requirements. The Board of Commissioners and the Planning Board shall provide for the appropriate keeping of records, minutes and other proceedings held with respect to the Planning Board's responsibility under the terms of this ordinance, and the Board of Commissioners may provide for such budgetary requirements as may be necessary in the administration of this ordinance.
- B. Amendments. This chapter may be amended from time to time by the Board of Commissioners in accordance with Section 153A-323 of the General Statutes of North Carolina.
- C. Conflicts with the Dare County Code. Should the requirements of this ordinance conflict with those of Chapter 22 of the Dare County Code, the more stringent requirements shall prevail.
- D. Violations. Any person who, being the owner or agent of the owner of any land located within the jurisdiction of this ordinance, transfers or sells such land by reference to, exhibition of, or any other use of a plat showing a subdivision of such land, before such plat has been properly approved in accordance with this ordinance and recorded in the Office of the Register of Deeds, shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties provided therefor. The county may also seek injunctive relief for the illegal subdivision, transfer, conveyance or sale of land.

V. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator or Administrator of this Ordinance. The person designated by the County Manager to administer this ordinance.

Board of Commissioners. Dare County Board of Commissioners.

Building setback line. The line within a property defining the required minimum distance between any building and the adjacent right-of-way or lot.

Double frontage lot. A lot with front and rear street frontage.

Lot. A portion of a subdivision or any other parcel of land intended as a unit for transfer or ownership or for development or both. The word "lot" includes the words "plot," "parcel," or "tract."

Official maps or plans. Any maps or plans officially adopted by the Board of Commissioners as a guide for the development of the county.

Planning Board. Dare County Planning Board.

Road. A right-of-way for vehicular traffic. The word "road" shall include the word "street."

- A. Primary road. A road designed to carry heavy volumes of vehicular traffic.
- B. Secondary or collector road. A road designed to carry medium volumes of vehicular traffic, to provide access to the primary road system and to provide access to abutting properties.
- C. Cul-de-sac or minor dead-end road. A road permanently terminated by a turnaround or dead-end.
- D. Marginal access road. A minor (service) road which parallels and is immediately adjacent to a primary road or highway, which provides access to the properties abutting it and which separates the abutting properties from high speed vehicular traffic.

Subdivider. Any person, owner, broker, surveyor, engineer, planner, corporation, partnership or the like who subdivides or develops any land deemed to be a subdivision as defined in this section.

Subdivision. Any division of a tract or parcel of land into two or more lots, building sites or other divisions, for the purpose, whether immediate or future, of sale or building development, including any division of land involving the dedication of a new street or a change in existing streets; provided, that the following shall not be included within this definition, nor shall they be subject to the regulations prescribed by this chapter:

- A. The combination or recombination of portions of previously subdivided and recorded lots, if the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the county as established by this chapter.
- B. The division of land into parcels greater than ten acres, if no street right-of-way dedication is involved.
- C. The public acquisition by purchase of strips of land for the widening or opening of streets.
- D. The division of a tract of land in single ownership, the entire area of which is no greater than two acres, into not more than three lots, where no street right-of-way dedication is involved, and if the resultant lots are equal to or exceed the standards of the County as established by this Chapter. (1-17-77, art. 5, §51).

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